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OFFICE OF PETITIONS

In re Application of	:	
Xiaolian Gao et al.	:	
Application No. 10/553,328	:	DECISION ON PETITION
Filed: October 14, 2005	:	TO WITHDRAW
Attorney Docket No. 082191-0106	:	FROM RECORD
(BRXL-0149)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 12, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer Number 40184 does not have power of attorney or was ever given power of attorney in the above-identified application. Therefore, the attorney cannot withdraw the Customer Number which was not originally granted by the Declaration and Power of Attorney filed October 14, 2005. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

It is also noted that the requested change in the correspondence address is improper, it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions